

**Amendment and Response**

Applicant: Barbara Elaine Blair et al.

Serial No.: 10/632,071

Filed: July 31, 2003

Docket No.: 10012692-1

Title: SYSTEM AND METHOD FOR TRANSFERRING DIGITAL CONTENT ON A MEMORY CARD

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**REMARKS**

The following remarks are made in response to the Office Action mailed April 20, 2007. In the Office Action, claims 1-19 were rejected. With this Response, claims 1-2, 4, 6, 9-10, 14-16, and 18-19 have been amended and claims 3, 5, 7-8, 11-13, and 17 have been canceled. Claims 1-2, 4, 6, 9-10, 14-16, and 18-19 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

In the Office Action, claims 1-9, 11-16, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiota et al. U.S. Patent No. 6,337,712 (the Shiota Patent) in view of Christopher U.S. Patent No. 6,900,980 (the Christopher Patent).

Applicant's independent claim 1 specifies a digital content transfer appliance comprising a memory card reader, an internal memory, a controller, and an interactive graphical display. The memory card reader is configured to removably receive at least one audio memory card and to read and write digital audio content on the audio memory card. The internal memory is configured for storing the digital audio content. The controller is configured for directing transfer of the digital audio content, independent of a personal computer, via a modem between a digital content service provider and at least one of the at least one audio memory card and the internal memory. The interactive graphical display is configured for displaying information regarding the digital content being transferred and for directing transfer of the digital content through activatable functions on the display, the interactive graphical display including an audio transfer user interface for transferring digital audio files. The audio transfer user interface comprises an audio memory card identifier configured for identifying at least of an audio memory card name, an audio memory card title, and an audio memory card number of an audio memory card. An audio file selector of the user interface is configured for selecting at least one audio file from plurality of audio files from the digital content service provider for transfer to the at least one audio memory card. A format selector of the user interface is configured for selecting a digital audio file format for downloading the digital audio content from the digital content service provider.

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In contrast, the Shiota Patent teaches an image transfer system for transferring images from a camera to an image server 6 via various mechanisms (as illustrated in Figures 1-3 of the Shiota Patent) for processing and storage of the images at the image server 6. The Shiota Patent appears to be solely concerned with transferring images of photos. Accordingly, the system and method of the Shiota Patent is silent regarding, and stands in stark contrast to, a controller configured for directing transfer of digital **audio** content, independent of a personal computer, via a modem between a digital content service provider and at least one of the at least one audio memory card and the internal memory, as recited in Applicant's independent claim 1.

Being concerned only with image files, the Shiota Patent is also silent regarding the features of the claim limitations of "an interactive graphical display configured for displaying information regarding the digital content being transferred and for directing transfer of the digital content through activatable functions on the display, the interactive graphical display including an audio transfer user interface for transferring digital audio files, as recited in Applicant's independent claim 1. Moreover, the "user interface" of the Shiota Patent (identified in the Office Action as at Column 6, lines 30-47) fails to teach, suggest, or reasonably make obvious the **audio** transfer user interface as claimed by Applicant, as the functions described in the Shiota Patent appear to relate primarily to image handling tasks.

Furthermore, the Shiota Patent is likewise silent regarding the additional features of the **audio transfer user interface** of Applicant's independent claim 1, which further comprise: (1) **an audio memory card identifier** configured for identifying at least of an audio memory card name, an audio memory card title, and an audio memory card number of an audio memory card; (2) **an audio file selector** configured for selecting at least one audio file from plurality of audio files **from the digital content service provider for transfer to** the at least one audio memory card; and (3) a format selector configured for selecting a **digital audio file format for downloading the digital audio content from the digital content service provider**, as recited in Applicant's independent claim 1. None of the these claimed features are contemplated by the Shiota Patent.

The Christopher Patent fails to cure the deficiencies of the Shiota Patent regarding Applicant's independent claim 1. Applicant notes at the outset that the Christopher Patent

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appears to have “incorrect” Figures 1 and 2 that do not match, and appear wholly unrelated to, the description of those Figures, thereby preventing a full and complete understanding of the description intended to accompany Figures 1-2 of the Christopher Patent.

In any case, the Christopher Patent describes receiving memory cards into a receiver 340 as part of a synchronization cradle 320 for transferring various files such as video files, audio files, etc. See Figure 3 and Column 3, line 31 – Column 4, line 8. In addition, the computer system 300 of the Christopher Patent includes a data storage and retrieval network/device 310 which **may be any of a variety of locations** for storing and retrieving and/or transferring data between a handheld computer 330 or between data storage and retrieval network/device 310 and memory cards 350 and 352. For example, data storage and retrieval network/device 310 may be a dedicated internet device or may be a direct connection to a web service over an internet connection. Further still, data storage and retrieval network/device 310 may be an interface to a home or local area network. See the Christopher Patent at Column 5, lines 16-26.

However, this description in the Christopher Patent appears to **generically** designate the data storage and retrieval network/device 310 as a vehicle to transfer data away from or to the cradle 320 without regard to the purpose of the data transfer and without identifying the nature of the web service.

In addition, a user interface 200 of the Christopher Patent is described at Column 4, lines 25-54 in association with Figure 2. However, the Christopher Patent fails to include the correct Figure 2, so one skilled in the art is left only with the description to discern the scope of the user interface 200. User interface 200 allows a user to drag and drop digital files from one storage medium to another, as well as providing various lists and menus regarding the memory cards, and cut/copy/paste features. The user interface 200 enables the transfer of files directly to handheld computer 130.

Accordingly, the user interface 200 is generally silent, and apparently unconcerned with, the features of transferring digital content, such as digital audio content, from a digital content service provider as specified in the claim limitations of Applicant’s independent claim 1.

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Accordingly, despite mentioning audio files, describing a non-illustrated user interface, and identifying the data storage and retrieval network/device 310, the Christopher Patent fails to teach, suggest, or reasonably make obvious the above highlighted claim limitations of Applicant's independent claim 1. In particular, the Christopher Patent fails to teach, suggest, or reasonably make obvious: "a interactive graphical display configured for displaying information regarding the digital content being transferred and for directing transfer of the digital content through activatable functions on the display, the interactive graphical display including an **audio transfer user interface for transferring digital audio files**, as recited in Applicant's independent claim 1. Furthermore, the Christopher Patent fails to teach, suggest, or make reasonably obvious the additional features of the **audio transfer user interface** of Applicant's independent claim 1, which further comprise: (1) an **audio memory card identifier** configured for identifying at least of an audio memory card name, an audio memory card title, and an audio memory card number of an audio memory card; (2) an **audio file selector** configured for selecting at least one audio file from plurality of audio files **from the digital content service provider for transfer to** the at least one audio memory card; and (3) a format selector configured for selecting a **digital audio file format for downloading the digital audio content from the digital content service provider**, as recited in Applicant's independent claim 1.

Accordingly, one cannot combine the Shiota Patent and the Christopher Patent and arrive at Applicant's independent claim 1.

For at least these reasons, the Shiota Patent and the Christopher Patent fail to teach, suggest, or reasonably make obvious Applicant's independent claim 1, and therefore Applicant respectfully submits that independent claim 1 is patentable and allowable over the Shiota Patent and the Christopher Patent. Dependent claims 2, 4, 6, and 9-10 are believed to be allowable as they further define patentably distinct independent claim 1.

Applicant's independent claim 14 specifies a method of transferring digital content independent of the personal computer. The method comprises receiving into a single appliance, independent of the personal computer, a plurality of memory cards including at least one of an audio memory card and a multimedia memory card. Via the single appliance

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independent of the personal computer, the digital audio content is received over a modem from the digital content service provider and the received digital audio content is written to at least one of the audio memory card and the multimedia memory card.

In contrast, the Shiota Patent teaches an image transfer system for transferring images from a camera **to** an image server 6 via various mechanisms (as illustrated in Figures 1-3 of the Shiota Patent) for processing and storage of the images at the image server 6. However, the Shiota Patent is silent regarding, and apparently unconcerned with, the transfer of digital audio files (as opposed to image files for photos). The Shiota Patent is also silent regarding, and apparently unconcerned with downloading or **receiving** any digital content from a digital content service provider and particularly regarding **receiving digital audio content** from a digital content service provider, as recited in Applicant's independent claim 14.

In the Office Action, it was admitted that the Shiota Patent failed to disclose "writing to the memory card that is received at the device."

The Christopher Patent fails to cure the deficiencies of the Shiota Patent regarding Applicant's independent claim 14. Applicant notes at the outset that the Christopher Patent appears to have "incorrect" Figures 1 and 2 that do not match, and appear wholly unrelated to, the description of those Figures, thereby preventing a full and complete understanding of the description intended to accompany Figures 1-2 of the Christopher Patent.

In any case, the Christopher Patent describes receiving memory cards (Column 3, lines 31-51) into a receiver 340 as part of a synchronization cradle 320, as illustrated in Figure 3. The computer system 300 includes a data storage and retrieval network/device 310 **may be any of a variety of locations** for storing and retrieving and/or transferring data between a handheld computer 330 or between data storage and retrieval network/device 310 and memory cards 350 and 352. For example, data storage and retrieval network/device 310 may be a dedicated internet device or may be a direct connection to a web service over an internet connection. Further still, data storage and retrieval network/device 310 may be an interface to a home or local area network. See Column 5, lines 16-26.

However, this description in the Christopher Patent which appears to **generically** designate the data storage and retrieval network/device 310 as a vehicle to transfer data away

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from or to the cradle 320 without regard to the purpose of the data transfer and without identifying the nature of the web service. Accordingly, the Christopher Patent fails to teach, suggest, or reasonably make obvious the claim limitation of receiving **digital audio content over a modem from the digital content service provider** and writing the **received digital audio** content to at least one of the audio memory card and the multimedia memory card, as recited in Applicant's independent claim 14.

Accordingly, one cannot combine the Shiota Patent and the Christopher Patent and arrive at Applicant's independent claim 14.

For at least these reasons, the Shiota Patent and the Christopher Patent fail to teach, suggest, or reasonably make obvious Applicant's independent claim 14, and therefore Applicant respectfully submits that independent claim 14 is patentable and allowable over the Shiota Patent and the Christopher Patent. Dependent claims 15-16 and 18-19 are believed to be allowable as they further define patentably distinct independent claim 1.

In the Office Action, claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Shiota Patent in view of the Christopher Patent as applied to claim 14 above, and further in view of Fenton et al. U.S. Patent No. 6,976,028 (the Fenton Patent). Applicant's dependent claim 17 has been cancelled. Dependent claim 18 is believed to be allowable based on its dependency from patentably distinct independent claim 14.

In light of the above, Applicants respectfully request withdrawal of the above rejections of claims 1-2, 4, 6, 9-10, 14-16, and 18-19 under 35 U.S.C. §103 and respectfully request allowance of these claims.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-2, 4, 6, 9-10, 14-16, and 18-19 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-2, 4, 6, 9-10, 14-16, and 18-19 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Paul S. Grunzweig at Telephone No. (612) 767-2504, Facsimile No. (612) 573-2005 or Wendell J. Jones at Telephone No. (408) 938-0980, Facsimile No. (650) 852-8063. In addition, all correspondence should continue to be directed to the following address:

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HEWLETT-PACKARD COMPANY  
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Respectfully submitted,

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Date: July 5, 2007

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